

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/26/17

Date

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 416 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Thur Watson

Kirk Watson

John White

John White

Gene Holden

Gene Holden

Senfonia Thompson

Senfonia Thompson

Brian Lopez

Brian Lopez

John L. Lunsford

John L. Lunsford

Jan Hoffman

Jan Hoffman

John A. Farris

John A. Farris

Royce West

On the part of the Senate

Royce West

Andrew Mann

On the part of the House

Andrew Mann

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 416

A BILL TO BE ENTITLED

AN ACT

relating to the composition of the board of directors of the State Bar of Texas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.020, Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (e) to read as follows:

(b) The board is composed of:

(1) the officers of the state bar;

(2) the president, president-elect, and immediate past president of the Texas Young Lawyers Association;

(3) not more than 30 members of the state bar elected by the membership from their district as determined by the board;

(4) six persons appointed by the supreme court and confirmed by the senate who are not attorneys and who do not have, other than as consumers, a financial interest in the practice of law; and

(5) four at-large [~~minority member~~] directors appointed by the president as provided by Subsections [~~Subsection~~] (d) and (e).

(d) The president of the state bar appoints the at-large [~~minority member~~] directors, subject to confirmation by the board of directors. In making appointments under this subsection, the president shall [~~attempt to~~] appoint directors who demonstrate

1 knowledge gained from experience in the legal profession and
 2 community necessary to ensure the board represents the interests of
 3 attorneys from the varied backgrounds that compose the membership
 4 of the state bar [~~members of the different minority groups listed~~
 5 ~~in Section 81.002(7)~~].

6 (e) At-large [~~Minority member~~] directors serve three-year
 7 terms. To be eligible for appointment as an at-large [~~a minority~~
 8 ~~member~~] director, at the time of appointment a person may [~~must~~]

9 [~~(1) be a minority member of the bar,~~

10 [~~(2)~~] not be serving as:

11 (1) an elected director [~~at the time of appointment~~];

12 or

13 (2) an at-large [~~and~~

14 [~~(3) not be serving as a minority member~~] director [~~at~~
 15 ~~the time of appointment~~].

16 SECTION 2. Section 81.002(7), Government Code, is repealed.

17 SECTION 3. Notwithstanding Section 81.020, Government
 18 Code, as amended by this Act, a minority member serving on the board
 19 of directors of the State Bar of Texas on the effective date of this
 20 Act continues to serve the term to which the director was appointed.
 21 On expiration of the director's term, the president of the State Bar
 22 of Texas shall appoint an at-large director as required by Section
 23 81.020, Government Code, as amended by this Act.

24 SECTION 4. This Act takes effect immediately if it receives
 25 a vote of two-thirds of all the members elected to each house, as
 26 provided by Section 39, Article III, Texas Constitution. If this
 27 Act does not receive the vote necessary for immediate effect, this

S.B. No. 416

1 Act takes effect September 1, 2017.

Senate Bill 416
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 81.020, Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (e) to read as follows:

(b) The board is composed of:

(1) – (4); and

(5) four outreach ~~[minority member]~~ directors appointed by the president as provided by Subsections ~~[Subsection]~~ (d) and (e).

(d) The president of the state bar appoints the outreach ~~[minority member]~~ directors, subject to confirmation by the board of directors. In making appointments under this subsection, the president shall ~~[attempt to]~~ appoint directors who demonstrate the sensitivity and knowledge gained from experiences in the legal profession and community necessary to ensure the board represents the interests of attorneys from the varied backgrounds that compose the membership of the state bar, including members of historically underrepresented ~~[members of the different minority]~~ groups ~~[listed in Section 81.002(7)]~~.

(e) Relates to the terms and eligibility of outreach directors.

SECTION 2. Section 81.002(7), Government Code, is repealed.

SECTION 3. Transition provision.

HOUSE VERSION (IE)

SECTION 1.

(b) The board is composed of:

(1) – (4); and

(5) four at-large ~~[minority member]~~ directors appointed by the president as provided by Subsections ~~[Subsection]~~ (d) and (e). [FA1(1)]

(d) Same as Senate version except refers to the directors as at-large directors and omits the requirement that the president appoint directors with specified characteristics. [FA1(2)]

(e) Same as Senate version except refers to at-large directors. [FA1(1)]

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version except makes a conforming change. [FA1(3)]

CONFERENCE

SECTION 1.

(b) Same as House version.

(d) The president of the state bar appoints the at-large ~~[minority member]~~ directors, subject to confirmation by the board of directors. In making appointments under this subsection, the president shall ~~[attempt to]~~ appoint directors who demonstrate knowledge gained from experience in the legal profession and community necessary to ensure the board represents the interests of attorneys from the varied backgrounds that compose the membership of the state bar ~~[members of the different minority groups listed in Section 81.002(7)]~~.

(e) Same as House version.

SECTION 2. Same as Senate version.

SECTION 3. Same as House version.

Senate Bill 416
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 4. This Act takes effect *immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.*

HOUSE VERSION (IE)

SECTION 4. This Act takes effect *only if the supreme court or a lower court finds Section 81.020(b) and (d), Government Code, as those sections existed May 1, 2017, unconstitutional and that finding is final and not appealable.* [FA1(4)]

CONFERENCE

SECTION 4. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB416 by Watson (Relating to the composition of the board of directors of the State Bar of Texas.), **Conference Committee Report**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code to revise selection criteria for the board of directors of the State Bar of Texas. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, LBO, AG, MW, GDz